

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES C. DAVIS,

Plaintiff,

vs.

**JO ANNE B. BARNHART,
Commissioner of Social Security,**

Defendant.

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CASE NO. 8:04CV236

ORDER

This matter is before the Court on the Plaintiff's motion for leave to proceed on appeal in forma pauperis (Filing No. 36).

The Plaintiff submitted an affidavit, notwithstanding his in forma pauperis status in this Court. (Filing Nos. 10, 36.) Pursuant to Federal Rule of Appellate Procedure 24(a)(2) and (a)(3), the Plaintiff may proceed on appeal in forma pauperis .

IT IS ORDERED:

1. The Plaintiff's motion for leave to proceed on appeal in forma pauperis (Filing No. 36) is granted; and
2. The Plaintiff may proceed on appeal in forma pauperis.

DATED this 20th day of April, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge